

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

24-CR-114-LJV-MJR  
DECISION & ORDER

ANDREW CLEMENTS a/k/a Tiger,

Defendant.

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1. On September 10, 2024, the defendant, Andrew Clements, pleaded guilty to counts 1 and 2 of the information charging a violation of Title 21, United States Code, Section 846 (narcotics conspiracy) and Title 18, United States Code, Section 922(g)(3) (unlawful user of a controlled substance in possession of a firearm). Docket Item 37.

2. On September 10, 2024, the Honorable Michael J. Roemer, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's pleas of guilty be accepted and that the defendant be adjudged guilty. Docket Item 39.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Roemer's Report & Recommendation (Docket Item 39), the plea agreement (Docket Item 37), the information (Docket Item 36), a transcript of the plea proceeding (Docket Item 40), and the applicable law. This Court finds no legal or factual error in Judge Roemer's Report & Recommendation and therefore adopts Judge Roemer's recommendation that the

defendant's pleas of guilty be accepted and that the defendant be adjudged guilty of counts 1 and 2 of the information.

IT IS HEREBY ORDERED that this Court adopts Judge Roemer's September 10, 2024 Report & Recommendation, Docket Item 39, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's pleas of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Andrew Clements is now adjudged guilty under Title 21, United States Code, Section 846 and Title 18, United States Code, Section 922(g)(3).

SO ORDERED.

Dated: November 30, 2024  
Buffalo, New York

  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE